

Green-card-holding spouses of U.S. citizens who are regularly stationed abroad may be naturalized without satisfying the normal time periods for physically residing in the United States. This expedited naturalization for spouses of U.S. citizens working abroad is a tremendous opportunity as it provides the full protection of the U.S. government to the spouses of U.S. citizens and is available immediately after admission as a lawful permanent resident. The following laws and regulations explain what documents you will need and how the process works.

EXPEDITIOUS NATURALIZATION FOR DEPENDENT SPOUSES (INA §319(b); 8 U.S.C. 1430(b); 8 C.F.R. § 319.2; DOD DIR 5500.14)

A spouse married to a United States citizen, whether military or civilian, who is assigned overseas by the United States government, may qualify for expeditious processing of an application for naturalization. Lawful permanent resident (LPR) status is still required; but all residency and physical presence requirements are waived. The overseas assignment must be one year or more after taking the oath of naturalization. Marital unity is still a requirement.

Procedure: Along with filing Form N-400, the spouse should obtain a completed Form DD 1278, "Certificate of Overseas Assignment to Support Application to File for Petition for Naturalization" from the member's command if concurrent travel is authorized. If concurrent travel is not authorized, then the spouse must provide a copy of the orders, paid airline ticket to the overseas duty station, and a letter from the commanding officer stating that the military will permit the alien spouse to accompany the member at his or her own expense. (Note: the DD Form 1278 is available at <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd1278.pdf>)

Expeditious naturalization as an overseas PCS or deployment item. Every servicemember should be advised of the advantages of applying for expeditious naturalization for his or her "LPR" spouse. This should be a deployment or PCS checklist item for military families in which the non-military spouse is an "LPR". The expeditious naturalization option for spouses is not available once the overseas tour is over. An alien spouse is eligible for expeditious naturalization even if she is a conditional resident. 8 C.F.R. §216.1

Even if the citizen spouse is stationed in an area where hostilities are in progress, and in which official government policy precludes residence of dependents of serviceman expeditious naturalization is still authorized. Since the petitioner's inability to join the citizen spouse is not the result of volition, but is caused by official restrictions, naturalization can be granted to a petitioner who plans to reside in a foreign country while awaiting the opportunity to join the citizen spouse. It is immaterial in such cases whether the petitioner's temporary sojourn abroad is near the place of the spouse's employment or service, or whether occasional

visitation is contemplated. However the alien cannot comply with the special statute if they elect to remain in the United States during the period of enforced separation. Moreover, this benefit is likewise deemed to be unavailable if there are no official residence restrictions, and the unwillingness to joining the citizen spouse is thus attributable to choice rather than compliance.

The applicant does not have to reside within the jurisdiction of the district of the Service where naturalization is sought, and the naturalization application thus can be filed in any district of the Service.
(INA §319(b) 8 USC §1430(b))